

FORM PTO-1390 (Modified)  
(REV 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NUMBER

1011957

## TRANSMITTAL LETTER TO THE UNITED STATES

DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

09/979513

INTERNATIONAL APPLICATION NO.  
PCT/DE00/01444INTERNATIONAL FILING DATE  
10 May 2000 (10.05.00)PRIORITY DATE CLAIMED  
14 May 1999 (14.05.99)

## TITLE OF INVENTION

**Method for Detecting the Effect of Different Chemotherapeutic Agents and/or Radiation Therapy in Malignant Diseases and Method for Selecting More Effective Therapeutic Agents for the Therapy Thereof**

## APPLICANT(S) FOR DO/EO/US

**Peter Daniel; Timo Hillebrand; Bernd Dorken; and Peter Bendzko**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4.  The US has been elected by the expiration of 19 months from the priority date (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10.  An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11.  A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12.  A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 20 below concern document(s) or information included:**

13.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15.  A **FIRST** preliminary amendment.
16.  A **SECOND** or **SUBSEQUENT** preliminary amendment.
17.  A substitute specification.
18.  A change of power of attorney and/or address letter.
19.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20.  A second copy of the published international application under 35 U.S.C. 154(d)(4).
21.  A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22.  Certificate of Mailing by Express Mail
23.  Other items or information:

**Application Data Sheet**

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.492(e))  
09/979513INTERNATIONAL APPLICATION NO.  
PCT/DE00/01444ATTORNEY'S DOCKET NUMBER  
101195-67

24. The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :**

<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....	\$1040.00
<input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....	\$890.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....	\$740.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....	\$710.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....	\$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$890.00

Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)).

 20  30

\$130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	10 - 20 =	0	x \$18.00	\$0.00
Independent claims	2 - 3 =	0	x \$84.00	\$0.00
Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>	\$0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$1,020.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.				\$510.00
<b>SUBTOTAL =</b>				\$510.00
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)).				<input type="checkbox"/> 20 <input type="checkbox"/> 30 + \$0.00
<b>TOTAL NATIONAL FEE =</b>				\$510.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).				<input type="checkbox"/> \$0.00
<b>TOTAL FEES ENCLOSED =</b>				\$510.00
				Amount to be: refunded \$
				charged \$

- a.  A check in the amount of \_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 14-1263 in the amount of \$510.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1263 A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

address associated with Customer No. 27387



27387

PATENT TRADEMARK OFFICE

SIGNATURE

Bruce S. Londa

NAME

33,531

REGISTRATION NUMBER

November 14, 2001

DATE

09/979513

Docket No.

101195-67

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Peter Daniel et al.

Serial No. TBA	Filing Date Concurrently Herewith	Examiner TBA	Group Art Unit TBA
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Invention: **Method for Detecting the Effect of Different Chemotherapeutic Agents and/or Radiation Therapy in Malignant Diseases and Method for Selecting More Effective Therapeutic Agents for the Therapy Thereof**

I hereby certify that the following correspondence:

**U.S. national stage application of PCT/DE00/01444 including English translation of application as filed including Figs.; preliminary amendment with marked-up and clean copies of amended claims; Application Data Sheet**

*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

November 14, 2001

*(Date)*

**Kathleen D. Monical**

*(Typed or Printed Name of Person Mailing Correspondence)*



*(Signature of Person Mailing Correspondence)*

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